

Applicant: Frank-Uwe Sommer  
Appl. No.: 10/518,360

## **REMARKS**

The Applicant thanks the Examiner for the careful consideration of this application.

Claims 1-6, 9-11, 14-18, and 20 are currently pending. Claims 1, 3, 4, 9, 15, 17, and 18 have been amended. Claims 7, 8, 12, 13, and 19 have been canceled, without prejudice. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### **Objections to the Drawings**

The Office Action objected to the drawings under 37 C.F.R. § 1.83(a) for failing to show the “bayonet connector” of claim 12. Claim 12 has been cancelled, without prejudice, thereby rendering this objection moot.

### **Rejections under 35 U.S.C. § 112**

The Office Action rejected claims 1-6, 9-18, and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended throughout to overcome the indefiniteness rejections. Accordingly, the Applicant requests that the rejections be withdrawn.

### **Rejections under 35 U.S.C. § 103**

(1) The Office Action rejected claims 1-6, 9-12, 14-18, and 20 under 35 U.S.C. § 103(a) as being obvious over Swiss Patent Document CH 678964 to Kaiser et al. (“Kaiser”) in view of

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German Patent Document DE 198 08 696 to Sommer et al. (“Sommer”). Solely to expedite prosecution, claim 1 has been amended to recite the “hook” of claim 13, now cancelled. Claim 13 was not subject to this rejection. Accordingly, the Applicant submits that this rejection is now moot.

(2) The Office Action rejected claim 13 under 35 U.S.C. § 103(a) as being obvious over Kaiser in view of Sommer, and further in view of U.S. Patent No. 1,981,026 to Blodgett (“Blodgett”). Solely to expedite prosecution, the subject matter of claim 13 has been incorporated into independent claim 1. Accordingly, this rejection will be addressed in connection with claim 1. The Applicant submits that claim 1 is patentable over Kaiser in view of Sommer and Blodgett for at least the following reasons.

*First*, no reasonable combination of Kaiser with Sommer and Blodgett discloses or renders obvious “a first traction mechanism tensioning device located on the first insert body, the first traction mechanism tensioning device including a first hook adapted to lock the traction mechanism to the first insert body without tools . . . wherein the first hook is connected to the current feed cable and delivers current from the current source to the traction mechanism,” as recited by amended claim 1.

In rejecting claim 13, the Office Action acknowledges that Kaiser in combination with Sommer fails to disclose that “the first traction mechanism tensioning device [includes] a first hook.” Instead, the Office Action aligns the chain bolts with hook ends 10 disclosed in Blodgett at page 1, lines 89-90 with the claimed “hook.” However, the chain bolts with hook ends 10 disclosed in Blodgett are not “connected to [a] current feed cable,” as claimed. Instead, Blodgett

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discloses that the “motor leads are suspended in loops and swing with the carriage and motor as they move back and forth.” (See Blodgett at page 2, lines 16-20.) Kaiser and Sommer fail to remedy this deficiency of Blodgett, for at least the reason that neither Kaiser nor Sommer discloses a “hook,” as acknowledged by the Office Action.

In view of the foregoing, no reasonable combination of Kaiser with Sommer and Blodgett discloses or renders obvious “a first traction mechanism tensioning device located on the first insert body, the first traction mechanism tensioning device including a first hook adapted to lock the traction mechanism to the first insert body without tools . . . wherein the first hook is connected to the current feed cable and delivers current from the current source to the traction mechanism,” as recited by amended claim 1.

**Second**, the invention of amended claim 1, wherein “the first traction mechanism tensioning device include[es] a first hook adapted to lock the traction mechanism to the first insert body without tools . . . wherein the first hook is connected to the current feed cable and delivers current from the current source to the traction mechanism,” provides non-obvious advantages over Kaiser, Sommer, and Blodgett.

For example, in the invention of claim 1, the “first traction mechanism tensioning device including a first hook” serves the ***dual purpose*** of fastening the traction mechanism while simultaneously providing an electrical connection to the traction mechanism. Consequently, a separate component to make electrical contact between the current feed cable and the traction mechanism is not required. This advantage is not rendered obvious by any reasonable combination of Kaiser, Sommer, and Blodgett.

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**Third**, the Office Action fails to provide any reason supporting the proffered combination of Kaiser, Sommer, and Blodgett. Instead, the Office Action merely repeats statements from recent caselaw on the standard for demonstrating obviousness, without providing *any* application of these standards to the facts and circumstances of this rejection. Accordingly, the Applicant submits that the Office Action fails to provide sufficient justification for the proffered combination of Kaiser, Sommer, and Blodgett.

The Applicant submits that claim 1 is patentable over any reasonable combination of Kaiser, Sommer, and Blodgett for at least the foregoing reasons. Claims 2-6, 9-11, 14-18, and 20 depend variously from claim 1, and are patentable for at least the same reasons.

### Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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